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UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700.

JUN 2 9 2004	rvk
Mailed:	Paper Number:
In re application of David Moy et al. Serial No. 09/839,932 Filed: April 20, 2001	: DECISION ON : PETITION :

For: PROCESS FOR PRODUCING SINGLE WALL NANOTUBES USING UNSUPPORTED METAL CATALYSTS AND SINGLE WALL NANOTUBES PRODUCED ACCORDING TO THIS METHOD:

This is a response to the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT", filed January 26, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of December 09, 2003, for failure to timely file a proper response to the Office letter dated May 20, 2003 be withdrawn. The petitioner asserts that applicants timely filed a proper response and a Petition for Extension of Time to the Office letter of May 20, 2003 on November 19, 2003.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

A review of the petitioner's evidence provided with the instant petition indicates that the request has merit. The evidence presented is sufficient to establish that the applicants did file the proper response to the Office letter of May 20, 2003 in a timely manner. The evidence provided includes a copy of the response and Petition for Three Months Extension of Time with an executed Certificate of Mailing dated November 19, 2003 (Exhibit A and B).

Therefore, the abandonment is hereby withdrawn, and the application is returned to



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pending status. The case will be forwarded to the Technical Support Staff for entering of the Response dated November 19, 2003 and then forwarded to the examiner for prompt consideration.

The Petition is **GRANTED**.

Jacqueline Stone, Director Technology Center 1700 Chemical and Materials Engineering

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